

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Tuesday, January 18, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Vickie Abrego, Jason Knight, and Janet Moore were present. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation and led the Pledge of Allegiance to the United States.

3. PRESENTATIONS AND PROCLAMATIONS:

3.I Long-term planning for Civic Center, Aquatic Center, and the Ed & Hazel Richmond Public Library – Kaylynn Paxson, Director of Community Enrichment

Kaylynn Paxson, Director of Community Enrichment presented a power point presentation and discussed the 2022 strategy for the Civic Center, Aquatic Center and the Ed & Hazel Richmond Public Library as follows: Civic Center – aggressive sales push, community events, and advertising; Aquatic Center – drive admissions, events, and concessions; and Public Library – visitor quality, leader in technology, community agenda, and making community partnership the priority.

Ms. Paxson then discussed bringing back the Senior Citizens program with the interim location being the Civic Center. She stated plans are to hold weekly themed meetings, with games, music, movie nights, computer, dance/jewelry classes, and insurance assistance services. She announced the first senior meeting is scheduled for January 24th from 1 – 3 pm. She then discussed her marketing plan for the civic center adding they are placing ads in the Aransas Pass Guide and the Digital Marquee, seasonal billboards, social media, mascot media, stand banners displayed at hotels, and rack cards at the Civic Center and Hotels. Council Member Moore suggested placing flyers regarding the senior center program at churches, and Council Member Abrego suggested placing flyers at Wal-Mart and HEB.

Ms. Paxson provided a booking comparison and reported that for 2021 (January – December) they had 23 training days, 11 public events, 3 school events, 21 private events, and 41 church events, and for 2022 (January – December) thusfar as of January 12, 2022 they have had 29 training session days, 13 public events, 3 school events, 27 private events, and 53 church events.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no board appointments.

5. CONSENT AGENDA:

5.I Approval of Regular Meeting Minutes of December 6, 2021, December 20, 2021 and January 3, 2022.

A motion was made by Council Member Abrego to approve Item 5.I, seconded by Council Member Moore, and the motion passed.

6. PUBLIC HEARINGS:

6.I Case No. 2201-01

1. Public hearing on request for a Conditional Use Permit submitted by Robert Lawson to allow for a Mixed Land Use (residential and existing sand excavating operation) at 1111/1121 W. Moore Avenue, Aransas County Property ID 14191, Block 214, Lot 10, 5 acres in Aransas Pass, Texas. The property is currently zoned "R-7B" Single-Family Dwelling.

Mayor Gomez declared the public hearing open. Osei Amo-Mensah, City Planner stated that applicant has a sand excavation operation and does not have a permit, and the zoning is not in conformity with the operation. He stated the Planning and Zoning Commission considered this application and recommended that applicant cease the operation after four (4) months and during this period that applicant sell the sand that has been excavated and remediate the site within the four months. Mr. Mensah explained the residents were opposed because applicant was digging close to the property line; therefore, the Planning and Zoning Commission also recommended that applicant comply with the required setbacks. Mr. Mensah stated that staff met with the Applicant and explained the boundaries. Mr. Mensah stated the vote from the Planning and Zoning Commission was unanimous.

Council Member Knight asked if the recommendation was that applicant will only sell what has been excavated and no more digging, and Mr. Mensah responded that is the recommendation but that staff cannot be present to make sure that applicant is no longer digging. Council Member Moore expressed concern with businesses operating with no permit, and referred to a similar application the council considered last month where the Council approved the CUP for thirty days, and this CUP recommendation is four months. A discussion ensued regarding the opposition by the neighbors and the remediation plan for the applicant.

In response to a question from Council Member Knight, Mr. Lawson responded he does not plan to dig any deeper than what he is doing now, and is currently taking out a road that was in the middle.

Vincent Klus commented on the differences between the two cases adding that Mr. Lawson is ready to close the business down and do it properly, while the former case involving Mr. Kelley, he wanted to continue the operation for two years. Council Member Knight asked if it is possible for staff to go out to the property once a week or every two weeks, and Mr. Mensah responded they informed the applicant that staff will be checking to ensure the conditions of the permit are met.

Malynda Williams asked if there are any consequence for businesses operating without a permit adding there should be a fine. City Attorney Cotroneo responded that the penalty for a zoning violation is \$2,000 per day.

Council Member Moore stated that Mr. Kelley was not fined for his violation and she does not believe the City will fine Mr. Lawson, but asked for a discussion regarding fines for zoning violations at a future workshop meeting.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting a Conditional Use Permit to Robert Lawson for four months for a Mixed Land Use (residential and existing sand excavation operation) at 1111/1121 W. Moore Avenue, Aransas Pass, Texas, Block 214, Lot 10 to allow the sale of sand already excavated and to remediate the site subject to the Engineering Department's determination on setbacks. The property is currently zoned "R-7B" Single-Family Dwelling.

A motion was made by Council Member Abrego to approve Item 6.I.2 and accept the recommendation of the Planning and Zoning Commission for a four-month Conditional Use Permit to sell the excavated sand and remediate the site subject to the Public Works recommendation, seconded by Mayor Pro Tem Scruggs, and the motion passed.

7. CITY MANAGER:

- 7.I Consider and Act on an Interlocal Agreement with the City of Ingleside for customer Water Service Connection to the property located at 2559 Williams, Aransas Pass, Texas.

A motion was made by Council Member Moore to approve Item 7.I, seconded by Council Member Knight, and the motion passed.

- 7.II Consider and Act on approving the Property Tax Reimbursement to Aransas County Taxpayers in conformity with the Settlement Agreement in Cause No. A-19-0368-CV-C, the State of Texas, ex rel. Association Against Annexation Abuse v. City of Aransas Pass. Texas.

Mr. Edwards explained the reimbursement to the property owners is outlined in the settlement agreement. Mayor Pro Tem Scruggs stated the total amount being refunded to the Aransas County Property Owners is \$114,685. In response to a question from Council Member Abrego, Mr. Edwards responded that property owners will be paid directly from the City. Sandra Garcia, Director of Finance stated that Aransas County will provide the City with a list of names, addresses and amounts and the City plans to issue checks by this week. She further stated that San Patricio property owners have already been refunded directly by San Patricio County and this amount was \$10,800.

A motion was made by Council Member Abrego to approve Item 7.II, seconded by Council Member Moore, and the motion passed.

- 7.III Consider and Act on approving the issuance of a Request for Qualifications for a City Comprehensive Plan.

Mr. Edwards stated the City currently has a comprehensive plan and generally they are five-year plans, but with the changes in the community it is important to begin that process early.

A motion was made by Council Member Abrego to approve Item 7.III, seconded by Mayor Pro Tem Scruggs, and the motion passed.

7.IV Monthly Municipal Court Report – December 2021.

Henri Morales, Municipal Court Judge reported on the monthly totals for December 2021 and noted that they filed 55 cases; 57 convictions; county magistrations totaled 21; Capias Pro Fines issued 0; Class C Warrants issued was 0; Warrants for CID signed was 21, and they had approximately 29 walk-ins. She reported that the Court continues on taking payments by phone, and also offering teleconferences and video conference in order to meet the Supreme Court's requirements. Ms. Morales reported on the 2022 current cases indicating that they have 337 pending cases, 1,663 Capias Warrants, and 2,389 Straight Warrants, and the City will be participating in the Texas Roundup scheduled for February.

8. **COMMUNITY ENRICHMENT:**

8.I Monthly Community Enrichment Report – December 2021.

Kaylynn Paxson, Director of Community Enrichment reported that in the month of December the Aquatic Center a) completed the area Life Guard Instructor's class, b) finalizing 2022 event plans, c) examined ways to increase the duration of the 2022 season, d) participated in the Polar Bear Plunge, and working on the 2022 internal flyer; Ed & Hazel Richmond Library they had 1,262 library visits, 800 checkouts, 152 overdrive, 258 storytime activities and reported on the 2020-2021 fiscal year accomplishments. Ms. Paxson then reported on the Civic Center and stated that a new RecDesk software was launched, updated information and design to the "Events Website", active Facebook campaign, substantial increase in walk-ins/calls, and realigned staff roles. She stated that an Open House is scheduled for January 26, 2022.

9. **DEVELOPMENT SERVICES:**

9.I Monthly Public Works Report – December 2021.

Mr. Quintanilla, Director of Public Works provided the Public Works report for December 2021 and reported on the Work Orders for the Utility Department and Streets and Drainage. He reported the biggest increase was in Line Locates from 7 to 81. He then provided a detailed update on the major projects and stated that they would be posted on the city's website.

9.II Monthly Building Department Report – December 2021.

Mr. Quintanilla reported that 78 permits were issued in the month of December 2021, and collected \$19,850 in permit fees as compared to October 2020 where they collected \$14,005 in permit fees.

10. **FINANCE:**

10.I Monthly Finance Department Report – November 2021

Sandra Garcia, Director of Finance reported that in the General Fund the budgeted revenues are \$920,511 and the Actual is \$2,341,411 and added this is due to the bond monies that were issued in November to cover the annexation cost and other projects. She then reported on the budgeted expenditures noting that the amount budgeted for the month was \$976,128, and the actual was \$1,574,640 and was related to the

annexation expenses that were paid in November. She then referred to Revenues and Expenditures. Ms. Garcia then reported the Property Tax Collected for November is \$690,481; Sales Tax Collected for the period October 2021 through November 2021 for FY2018 - \$368,896, FY2019 - \$377,792, FY2020 - \$399,547, FY2021 - \$411,817, and FY2022 - \$464,606. Ms. Garcia then discussed the Sales Tax collected for the following entities for the period October 2021 through November 2021 as follows: City - \$464,606, Municipal Development District - \$210,364, and Crime Control & Prevention District - \$210,056. Lastly, she discussed the Water Customer Comparison for November as follows: FY2018 – 3,868 accounts; FY2019 - 4,114 accounts; FY2020 – 4,245 accounts; and FY2021 – 4,423 accounts.

10.II FY2021-2022 First Quarter Investment Report (October-December)

Ms. Garcia provided the 1st Quarter Investment Report and stated the city had a total of \$8.6 million to invest and earned \$2,056 in interest; return on investment is 0.10%, and benchmark of 0.05%. She reported the city's monies are invested in three banks: 22.49% is in Prosperity Bank, 32.61% in TexPool, and 44.90% in Texas Class.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I Consider and Act on approving the Police Chief to dispose of old, expired Bullet-Resistant Body Armor to the Armor of God Project, a non-profit 501(c)(3) Organization.

Lynn Pearce, Assistant Police Chief explained that once bullet vests have expired, they are retired and they are donating to the Armor of God for distribution to entities who do not have the funds to purchase this type of equipment.

A motion was made by Council Member Moore to approve Item 12.I, seconded by Council Member Knight, and the motion passed.

12.II Consider and Act on the issuance of a Request for Proposals for Bay Door Replacement.

Nathan Kelley, Fire Chief stated the funds for a new Bay Door is a budgeted item and at this time, he is seeking approval to issue a request for proposals.

A motion was made by Council Member Moore to approve Item 12.II, seconded by Council Member Abrego, and the motion passed.

12.III Consider and Act on a Request from the Aransas Pass Fire Department to submit a Grant Application to the State Homeland Security Program – Law Enforcement Terrorism Prevention Activities.

Mr. Kelley explained the purpose of this item is to seek approval to submit a grant application for this program. Council Member Moore asked what the funds would be used for, and Mr. Kelley responded they plan to purchase personal protective equipment.

A motion was made by Council Member Knight to approve Item 12.III, seconded by Mayor Pro Tem Scruggs, and the motion passed.

12.IV Consider and Act on awarding the Request for Proposals to KSI Specialties to provide Administrative Clean-Up of 1000 W. Myrtle.

Mr. Pearce stated that one proposal was received and the bid amount came in under budget and will be funded through the Crime Control and Prevention District.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.IV and award the bid to KSI Specialties, seconded by Council Member Abrego, and the motion passed.

12.V Monthly Public Safety Report – December 2021.

Mr. Pearce stated the report was provided in the packet and is routine with no major changes.

12.VI 2021 Annual Racial Profiling Report.

Mr. Pearce stated the Racial Profiling Report is required by law to submit to the State annually and the City is in compliance. He added that an outside firm is hired to review the report to ensure that it is prepared correctly.

12.VII Monthly Fire Department Report – December 2021.

Mr. Kelley reported that in the month of December they had 71 calls, 128.5 in-house training hours, and a total of 6 inspections were conducted.

12.VIII 2021 Annual Fire Department Report – December 2021.

Mr. Kelley reported that for the Year 2021 they had 873 calls, with 98 (11%) being fires, and in 2019 had a total of 779 calls, and in 2020 had a total of 755 calls, this being a 16% increase from last year. Mr. Kelley reported on the 2021 major incidents, training hours completed, inspections completed, and other achievements.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Mr. Edwards announced that a Workshop Meeting is scheduled for January 24, 2022, and the preliminary list of items includes the Park Improvements Project and 25-Foot Lots.

14. CITIZEN COMMENTS:

Malynda Williams thanked the City for placing lights in the Bay Harbor area.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 7:39 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

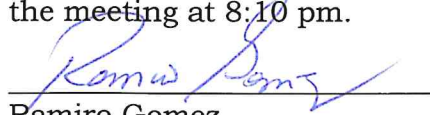
15.I.1 Section 551.071, Mojave, Ltd. vs. City of Aransas Pass, Texas, Cause No. A-21-0182-CV-C in the 343rd District Court of Aransas County, Texas.

15.I.2 Section 551.071, Conn Brown Harbor Lease – Handsome Sailor Yacht Charters, Inc.

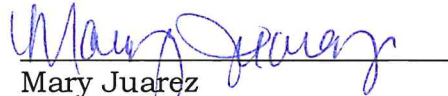
The council reconvened in open session at 8:10 pm. No action was taken.

16. ADJOURNMENT:

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 8:10 pm.



Ramiro Gomez
Mayor



Mary Juarez
City Secretary

Approved on: 2/7/2022